

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ARNULFO MARTINEZ,

Plaintiff,

v.

Case No. 19-cv-1575-pp

ANDREW M. SAUL,

Defendant.

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**ORDER REQUIRING PLAINTIFF TO FILE AN AMENDED MOTION FOR  
LEAVE TO PROCEED WITHOUT PREPAYING THE FILING FEE**

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The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

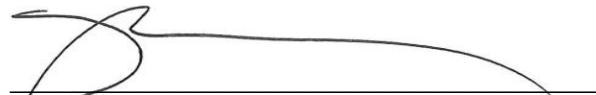
The plaintiff's affidavit does not provide enough facts for the court to determine whether he can pay the filing fee. The affidavit indicates that the plaintiff is not employed, he is not married, and he has no dependents he is responsible for supporting. Dkt. No. 2 at 1. The plaintiff lists no income or source of income, id. at 2, and the only expenses he lists are \$200 per month for diabetes medication, id. at 3. The court is perplexed as to how the plaintiff

is living. He lists no rent or mortgage payment, he doesn't own a car or a home, he has no property of value or cash on hand or in a checking or savings account. *Id.* at 2-4. Perhaps the plaintiff lives with family or friends free of charge, perhaps those family or friends also provide for his needs, including his medication, but there is nothing telling the court whether that's the case or who supports the plaintiff. The court will ask the plaintiff to clarify his living situation in his amended motion. The plaintiff is represented by counsel, who should assist him in filling out the amended request.

The court **ORDERS** that the plaintiff must file an amended affidavit by the end of the day on **November 19, 2019**. If the plaintiff does not provide a new affidavit in time for the court to receive it by the deadline, the court will deny her application to proceed without prepayment of the filing fee and will require her to pay the full \$400 filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 29th day of October, 2019.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**United States District Judge**